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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/519,307	06/20/2005	Peter Wynne Willson	28193/24642	9167

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EXAMINER

MAKIYA, DAVID J

ART UNIT	PAPER NUMBER
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2885

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/08/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/519,307

Applicant(s)

WYNNE WILLSON, PETER

Examiner

David J. Makiya

Art Unit

2885

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 December 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 December 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>2/28/05, 12/21/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION***Drawings***

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the first and second supports being situated one in front of the other along the axis of the beam and each support comprising a first and second revolvable plate must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4 and 9-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Chang (US Patent 5,513,083).

With respect to claim 1, Chang teaches an apparatus for framing a light beam in a lighting device, comprising at least two occluding elements 16 separately moveable in a plane orthogonal to the axis of the light beam for varying the shape of the beam (Figure 1), at least one of which elements being revolvable about the axis of the light beam (Column 2, Line 60-Column 3, Line 4).

With respect to claim 2, Chang teaches the apparatus wherein each of the elements is revolvable relative to one another (Column 2, Line 60-Column 3, Line 4).

With respect to claim 3, Chang teaches the apparatus wherein at least one of the elements is revolvable about an axis 261 distinct from that of the beam (Column 2, Line 60-Column 3, Line 4).

With respect to claim 4, Chang teaches the apparatus comprising a first support 10 housing a first element (Figure 4) and a second support 21 housing a second element (Figure 3), the first and second supports being situated one in front of the other along the axis of the beam (Figure 1).

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With respect to claim 9, Chang teaches an apparatus for shaping a light beam in a lighting device comprising a planar occluding element 16 arranged in a plane generally orthogonal to the axis of the light beam (Figure 1), wherein the occluding element is rotatable about a first axis (Column 2, Line 60-Column 3, Line 4), and wherein the first axis is parallel to the axis of the light beam and moveable in a path offset from the axis of the light beam (Column 2, Line 60-Column 3, Line 4).

With respect to claim 10, Chang teaches the apparatus wherein the first axis is movable in a circular orbit about the axis of the light beam (Column 2, Line 60-Column 3, Line 4).

With respect to claim 11, Chang teaches the apparatus further comprising a support disc 10 disposed parallel to the occluding element and rotatable about the axis of the light beam, and wherein the occluding element is rotatable mounted to the support disc, the axis of rotation of the occluding element being offset from the axis of rotation of the support disc (Figure 4; Column 2, Line 60-Column 3, Line 4).

With respect to claim 12, Chang teaches the apparatus wherein the occluding element and the support disc are coplanar (Figure 4).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 5-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chang in view of Pearce-Harvey et al. (US Patent 4,843,528).

With respect to claim 5, Chang teaches a support 10 comprising a first 10 and second 15 revolvable plate, one of which plates houses the occluding element 16. However, Chang fails to teach a second support situated in front of the first support and having revolvable plates. Pearce-Harvey et al. teaches an apparatus for framing a light beam in a lighting device comprising a plurality of supports (44, 46, 48, 50) housing occluding elements (52-57) wherein the support plates are situated one in front of the other along the axis of a light beam (Figure 4). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the apparatus of Chang with the teachings of Pearce-Harvey et al. because "each of the patterns produced by the relevant aperture or aperture array of the gobo disk is also in clear focus so that again a controlled sharp beam of the pattern of the selected apertures of the gobo disk is produced...[making] the lens assembly is infinitely adjustable" (Pearce-Harvey et al.; Column 1, Lines 36-58) and since it has been held that mere duplication of essential working parts of a device involves only routine skill in the art. *St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8.

With respect to claim 6, Chang teaches the apparatus wherein the first, inner plate houses the element, and is eccentric to the second outer plate (Figure 4), allowing it to orbit the axis of the first plate (Column 2, Line 60-Column 3, Line 4).

With respect to claim 7, Chang teaches the apparatus wherein the second plate is able to orbit the axis of the light beam (Column 2, Line 60-Column 3, Line 4).

With respect to claim 8, Chang teaches the apparatus wherein the first plate is substantially circular and is cammed within a substantially circular cavity in the second plate (Figure 4).

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Conclusion


The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Belliveau (US Patent 5,402,326) and Poschenrieder et al. (US Patent 5,712,698) teach lighting apparatuses with occluding elements rotating about both a first and a second axis.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David J. Makiya whose telephone number is (571) 272-2273. The examiner can normally be reached on Monday-Friday 7:30am - 4:00pm (ET).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jong (James) Lee can be reached on (571) 272-7044. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

DJM 02/03/2007


JOHN ANTHONY WARD
PRIMARY EXAMINER